

BY THE RESOURCES COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 500

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Alaska Coastal Policy Council."  
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 46.40.100(b) is amended to read:

10 (b) On petition of a coastal resource district, a citizen of the  
11 district, or a state agency, stating [SHOWING] that a district coastal  
12 management program is not being implemented, enforced, or complied  
13 with, the council may [SHALL] convene a public hearing to consider the  
14 matter. After the public hearing, the council may make a recommendation  
15 to the coastal resource district or to a state agency that it  
16 considers appropriate and may revise the Alaska coastal management  
17 program under AS 46.40.010(c). [A HEARING CALLED UNDER THIS SUB-  
18 SECTION SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE  
19 ACT (AS 44.62). AFTER THE HEARING, THE COUNCIL MAY ORDER THAT THE  
20 COASTAL RESOURCE DISTRICT OR STATE AGENCY TAKE ANY ACTION WHICH THE  
21 COUNCIL CONSIDERS NECESSARY TO IMPLEMENT, ENFORCE OR COMPLY WITH THE  
22 DISTRICT COASTAL MANAGEMENT PROGRAM.]

23 \* Sec. 2. AS 46.40.100(c) is amended to read:

24 (c) At a hearing convened under (b) of this section concerning  
25 implementation of, enforcement of, or compliance with [IN DETERMINING  
26 WHETHER] an approved district coastal management program [IS BEING  
27 IMPLEMENTED, ENFORCED OR COMPLIED WITH] by a coastal resource district  
28 that [WHICH] exercises zoning authority or control [CONTROLS] on the  
29 use of resources within the coastal area, the council may consider

1 whether [SHALL FIND IN FAVOR OF THE DISTRICT IF]

2 (1) zoning or other regulations have been adopted and are  
3 being enforced;

4 (2) variances are being granted according to procedures and  
5 criteria that [WHICH] are elements of the district coastal management  
6 program, or the variance is otherwise approved by the council; and

7 (3) procedures and standards adopted by the coastal re-  
8 source district as required by this chapter or by the guidelines and  
9 standards adopted by the council and subsequently approved by the  
10 legislature have been followed and considered.

11 \* Sec. 3. AS 46.40.100(d) is amended to read:

12 (d) At a hearing convened under (b) of this section concerning  
13 implementation, enforcement, or compliance by a state agency [IN  
14 DETERMINING WHETHER A STATE AGENCY IS COMPLYING] with a district  
15 coastal management program with respect to its exercise of regulation  
16 or control of the resources within the coastal area, the council may  
17 consider whether [SHALL FIND IN FAVOR OF THE AGENCY IF

18 (1)] the use or activity for which the permit, license, or  
19 approval is granted is consistent with the district coastal management  
20 program and regulations adopted under it [; AND

21 (2) THE USE OR ACTIVITY FOR WHICH THE PERMIT, LICENSE OR  
22 APPROVAL IS GRANTED IS CONSISTENT WITH REQUIREMENTS IMPOSED BY STATE  
23 STATUTE, REGULATION, OR LOCAL ORDINANCE APPLICABLE TO THE USE OF  
24 ACTIVITY].

25 \* Sec. 4. AS 46.40.100(e) is amended to read:

26 (e) Notwithstanding the powers conferred on the council under  
27 (b), (c), and (d) of this section, the council does not have appellate  
28 jurisdiction over a case in which an action by a municipality or a  
29 state agency is challenged as inconsistent with the Alaska coastal

1     management program. The superior courts of the state have exclusive  
2     appellate jurisdiction over that action [TO ENFORCE LAWFUL ORDERS OF  
3     THE COUNCIL].